

***35 U.S.C. § 102(a) Rejection - Claims 1, 4-5 and 10-12:***

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Japanese Reference JP 2001-146030 to Tsukada et al. Applicant fully addressed this rejection in the December 1, 2005 Response.

***35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:***

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,536,861 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '861 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '861 patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant submits herewith a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e).

Accordingly, Applicant submits that the above rejection is moot, and hereby requests the Examiner reconsider and withdraw the above rejection of the claims.

***35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:***

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2003/0140694 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '694 publication has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '694 publication is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant submits herewith a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e).

Accordingly, Applicant submits that the above rejection is moot, and hereby requests the Examiner reconsider and withdraw the above rejection of the claims.

***35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:***

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,470,744 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '744 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '744 patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by "another."

Accordingly, Applicant submits herewith a signed Declaration under 37 C.F.R. § 1.132, which sufficiently demonstrates that the subject matter relied on by the Examiner is not available as prior art under 35 U.S.C. § 102(e).

Accordingly, Applicant submits that the above rejection is moot, and hereby requests the Examiner reconsider and withdraw the above rejection of the claims.

***35 U.S.C. § 102(e) Rejection - Claims 1, 4-5 and 10-12:***

Claims 1, 4-5 and 10-12 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,799,820 to Usui et al. In view of the following, Applicant respectfully traverses the above rejection.

Applicant thanks the Examiner for pointing out that the Usui '820 patent has a common assignee and common inventors (i.e. Messrs. Tsukada and Kanaya) with the present application. Further, Applicant thanks the Examiner for pointing out that the filing of a Declaration under 35 U.S.C. § 1.132, which could demonstrate that Mr. Usui did not contribute any of the subject matter relied upon by the Examiner, would show that the relevant subject matter of the Usui '820

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/798,409

Our Ref.: Q80436  
Art Unit: 2856

patent is not available as prior art under 35 U.S.C. § 102(e), as the subject matter is not by  
“another.”

Accordingly, Applicant submits herewith a signed Declaration under 37 C.F.R. § 1.132,  
which sufficiently demonstrates that the subject matter relied on by the Examiner is not available  
as prior art under 35 U.S.C. § 102(e).

Accordingly, Applicant submits that the above rejection is moot, and hereby requests the  
Examiner reconsider and withdraw the above rejection of the claims.

**Conclusion:**

In view of the above, reconsideration and allowance of this application are now believed  
to be in order, and such actions are hereby solicited. If any points remain in issue which the  
Examiner feels may be best resolved through a personal or telephone interview, the Examiner is  
kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue  
Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any  
overpayments to said Deposit Account.

Respectfully submitted,



---

Terrance J. Wikberg  
Registration No. 47,177

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: December 27, 2005